SINGLE BENCH

cp Took (2) (4)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION (S) NO. 5455 2006

PETITIONER

Laxmi Prasad Chauhan S/o Shri Ganesh Ram Chauhan, aged about 35 years, Panchyat Karmi, Gram Panchyat Ghatora, Block and Tahsil-Sarangarh District-Raigarh (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through the Secretary Panchyat & Rural Development Department D.K.S.Bhawan Raipur (C.G.)
2. The prescribed Authority and Deputy Director Panchyat and Social Welfare Raigarh Dist. Raigarh (C.G.)
3. The Chief Executive Officer, Sarangarh, Dist. Rairarh C.G.
4. Gram Panchyat Ghatora, through Sarapanch of Gram Panchyat Ghatora, Block & thasil-Sarangarh Dist. Raigarh (C.G.)
5. BhojRam Chouhan- (Assistant Gram-Panchyat Officer) Sachiv of Gram Panchyat-Ghatora, Block & Tahsil Sarangarh Dist. Raigarh (C.G.)

P.R. No. 5469/06 Presented by Shri P. M. Samvas dated 5/10/06

RECEIVED-COPY 5/10/06 CLERK to A. G. BILAS. (CG)

WRIT PETITION UNDER ARTICLE 226/227 OF THE COUNSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF CEERTIORARI, MANDAMUS, PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERES:

(23)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5455 of 2006

Petitioner: Laxmi Prasad Chauhan

Versus

Respondents: State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri Paras Mani Shrivas, Advocate for the petitioner.

Smt. Anju Ahuja, Deputy Government Advocate for the respondents No. 1 and 2.

Shri P. K. Tulsiyan, Advocate for the respondent No.4.

None for the respondents No. 3 and 5.

O R D E R

(9th October, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. The petitioner was employed as Panchayat Karmi by the respondent No.4 vide order dated 30.10.1995 (Annexure P/3). Thereafter he was appointed as Panchayat Secretary vide order dated 19.12.1995 (Annexure P/4).

2. On the basis of internal enquiry, the respondent No.2 passed the order dated 14.9.2006, addressed to the respondent No.4 that there are certain allegations of irregularities in disbursement of pension against the petitioner. The respondent No.2 has further directed the respondent No.4 to take appropriate action against the petitioner in accordance with law, following the proper procedure as prescribed under the Chhattisgarh Panchayat Service (Discipline and Appeal) Rules, 1999 (for short 'the Rules, 1999').

(24)

3. The petitioner has challenged the order/letter dated 14.9.2006 which was addressed to the Sarpanch/Secretary when no copy was endorsed to the petitioner, stating that the services of the petitioner is being removed without following the principles of natural justice and without complying with the provisions of law.
4. On perusal of the impugned order/letter dated 14.9.2006 it appears that the respondent No.2 has directed that the action for irregularities committed by the petitioner be taken in accordance with law. The order itself is not an order of removal. Hence, this petition is premature, misconceived and devoid of merit. The petitioner has suppressed material facts in his petition and has tried to mislead the Court by making incorrect submissions.
5. For the reasons stated above this petition is dismissed with cost quantified to be a sum of Rs. 2000/-, payable within a period of four weeks to the High Court legal Aid Committee.

Sd/-
Satish K. Agnihotri
Judge

Thakur